

1 Q Do you know what type of business Mr. Herndon is  
2 in down on the Gulf Coast?

3 A No sir, I've never been there, Understand though  
4 he has a cafe but I'm not positive on that be-  
5 cause I've never been down there.

6 Q Has he ever told you what he's doing down there?

7 A Opened up a cafe.

8 Q Did he tell you where it was located?

9 A Somewhere near Ocean Springs, but I've not been  
10 able to go down there, he's invited me.

11 Q In Jackson County?

12 A Yes sir, in Jackson County.

13 Q Now, when was the last time that you saw Frank  
14 Herndon?

15 A Well, I saw him while he was in the hospital.

16 Q You mean recently?

17 A Recently. I went up to see him after I heard he  
18 was operated on. In fact, the day that he went  
19 into the hospital he left his car over at Simmons  
20 I believe he went in that day, because his sister  
21 or somebody came by and picked it up because  
22 they left it for me to wash after they done some  
23 work on it.

24 Q Did you know the day he went to the hospital?

25 A No sir, I wasn't at the station at the time they

came by, I mean Simmons brought the car up there, I didn't see him at the time and they said he was going to the hospital. Uh, I'm speaking of Simmons.

Q. Do you recall the date you saw him in the hospital?

A. I believe, let's see, I had another friend up there that went in on the 1st, I believe it was Wednesday, that would be about the 4th.

Q. The 4th of October?

A. Yes sir.

Q. Had he discussed with you that he was going into the hospital?

A. I didn't know it until he was carried up there, I mean his car, and I didn't know he was going in the hospital until then, and they found that it was a hernia or something, something wrong with his stomach.

Q. Where is your service station located?

A. On 36th Avenue and 8th Street.

Q. How far is that from the Post Office here?

A. I suppose it would be about a mile.

Q. Then it is not located right in the downtown area?

A. No sir.

Q. Now, have you ever lived in Neshoba County?

A. No sir.

1 Q I believe you said you knew some people from  
2 Neshoba County, Sheriff Rainey?

3 A Well, Yes sir, since I've been a County Patrol  
4 Officer, I've met him.

5 Q Now, your County Patrol Officer's jurisdiction  
6 goes how far?

7 A Lauderdale County only.

8 Q The entire county?

9 A Yes sir.

10 Q Do you do any patrolling work or investigative  
11 work in Neshoba County?

12 A No sir.

13 Q The time the three bodies were discovered missing  
14 have you talked with any of these defendants that  
15 you have mentioned today about any of the incidents?

16 A No sir, I didn't.

17 Q Have you discussed with Frank Herndon anything  
18 about this case since he was arrested on it?

19 A No sir, I have not.

20 Q I believe that's all.

21 (Whereupon witness excused)

22 BY THE COURT:

23 Next witness.

24 BY MR. WATKINS:

25 If it please the Court, may I address the Court?

1 BY THE COURT:

2 Yes sir.

3 BY MR. WATKINS:

4 If it please the Court, it has been brought to my  
5 attention that while I have my witnesses on the  
6 stand questioning them, there are notes being  
7 passed from the outside of the courtroom to  
8 Government's Counsel table. I don't have anyone  
9 outside myself, I can't even go outside to talk  
10 to a witness, to get their names or even to speak  
11 to one, but there is some type of communication  
12 coming from time to time from the outside as  
13 assistance to the Government's Counsel. We  
14 respectfully object to it.

15 BY THE COURT:

16 What's the nature of those communications, Mr. Doar?

17 BY MR. DOAR:

18 The nature of those communications are information  
19 that we may have on the particular witness.

20 BY THE COURT:

21 Are any of those notes related to anything going on  
22 in here?

23 BY MR. DOAR:

24 No sir.

25 BY THE COURT:

1 Overruled.

2 WILLIE COPELAND, called as a witness for and on  
3 behalf of defendants, was sworn and testified  
4 as follows:

5 BY MR. ALFORD:

6 If the Court please, this is Mr. Willie Copeland.

7 DIRECT EXAMINATION

8 Q Mr. Copeland, where do you live?

9 A Philadelphia, Mississippi.

10 Q How long have you lived in Neshoba County?

11 A All my life.

12 Q Mr. Copeland, do you know Mr. Olen Burrage?

13 A Yes, I do.

14 Q What relation are you to Mr. Olen Burrage?

15 A Brother-in-law.

16 Q I would like to direct your attention to the  
17 21st day of June, 1964 and ask you if you saw  
18 Mr. Olen Burrage on that day?

19 A Yes sir, I did.

20 Q Where did you see him?

21 A I was at his house.

22 Q What was the occasion for your going to his house  
23 on that day please sir?

24 A Well, we always met out there on Father's Day  
25 or Mother's Day and go to the cemetery and take

and take flowers.

Q Did you do this day?

A No sir, we didn't.

Q But you just met there at his home?

A Yes sir.

Q And what time did you get there?

A I got there about 1:00 o'clock.

Q How long did you stay?

A Until about four.

Q And who went with you there?

A My wife and my kids.

Q Did Mr. Burrage have any other visitors?

A Mr. Sullivan, and a Mr. Myers.

Q Did you see Mr. Lacey Murphy there?

A Yes sir.

Q And what relation are you to Mr. Lacey Murphy?

A Well, its my wife's uncle.

Q Your wife's uncle. Was Mrs. Burrage there?

A Yes sir.

Q Now, during the time that you were there did  
Mr. Burrage leave his home or his premises there?

A No sir.

CROSS EXAMINATION

BY MR. DOAR:

Q Mr. Copeland, are you related to the Burrages?

~~1856~~

1 A. He's my brother-in-law.

2 Q. And how long have you known him?

3 A. Well, all of my life.

4 Q. Are you a native of Neshoba County?

5 A. Yes sir.

6 Q. Let me ask you this, were you in Neshoba  
7 County on June the 21st, 1964?

8 A. Yes sir, I was.

9 Q. Have you been living there since that time?

10 A. Yes sir, I have.

11 Q. And you knew about these three missing workers  
12 having been in Neshoba County?

13 A. No sir, I didn't.

14 Q. When did you first hear about them being  
15 missing?

16 A. Well, it was about two or three days after then,  
17 I wouldn't say for sure.

18 Q. Where is your home?

19 A. Its out East of Philadelphia.

20 Q. What business are you in?

21 A. I'm not in no kind of business.

22 Q. Are you retired?

23 A. I've been disabled to work for five years.

24 Q. Do you just stay right at home?

25 A. Well I stay at home or up at town most of the

time.

1 Q Were you in town on Monday the 21st?

2 A I wouldn't say if I was.

3 Q How did you happen to hear about the missing  
4 Civil Rights Workers?

5 A No, I don't.

6 Q When was the first time that you were asked to  
7 recall where you were on the 21st day of June,  
8 1964?

9 A Sir, I don't remember when I was.

10 BY THE COURT:

11 What was the last hour of the day of June the 21st,  
12 1964 that you saw Mr. Burrage?

13 BY THE WITNESS:

14 Sir?

15 BY THE COURT:

16 I want to know what was the last hour that you saw  
17 Mr. Burrage on June the 21st, 1964?

18 BY THE WITNESS:

19 Four.

20 BY THE COURT:

21 What was the last hour at that time did you see him?

22 BY THE WITNESS:

23 At four.

24 BY THE COURT:

At four o'clock in the afternoon?

BY THE WITNESS:

Yes sir.

BY MR. DOAR:

Q You don't recall when you were asked to recall what you did on the 21st of June?

A No, I don't.

Q Do you recall who asked you?

A I believe Mr. Alford asked me.

Q Just a few days ago?

A Well its been quite sometime ago.

Q Was it before or after Mr. Burrage was arrested?

A It was after.

Q Right immediately afterward or sometime after?

A Now, I don't remember how long it was after.

Q Then you recalled going over to his house that day?

A Yes sir, I did.

Q Were the boys there?

A Yes sir.

Q Did they leave at all that afternoon?

A Now, I don't remember about whether or not they left.

Q Do you remember whether or not Mr. Burrage took them over to the swimming pool?

1 A. No he didn't take them to the swimming pool.

2 Q. You are sure of that?

3 A. Not while we were there.

4 Q. And you were there from one until four?

5 A. Yes sir.

6 (Whereupon witness excused)

7 LACEY MURPHY, called as a witness for and on behalf  
8 of derendants was sworn and testified as follows:

9 BY MR. ALFORD:

10 If the Court please, this is Mr. Lacey Murphy.

11 DIRECT EXAMINATION

12 Q. Mr. Murphy, where do you live?

13 A. Philadelphia.

14 Q. How long have you lived at Philadelphia or in  
15 that vicinity?

16 A. About twenty years.

17 Q. Do you know Olen Burrage?

18 A. Yes sir.

19 Q. What relation are you to Mr. Burrage?

20 A. He's a nephew to my wife.

21 Q. Did you see him on June the 21st, 1964?

22 A. Yes sir.

23 Q. And what was the occasion of you seeing him sir?

24 A. Well, it was father's day and my family wanted  
25 to go out a while and we went out there.

- 1 Q. Whereabouts did you see him on that day?
- 2 A. Out at his house.
- 3 Q. And how long did you visit out there with him?
- 4 A. Oh, about a couple of hours.
- 5 Q. And about what time of day was this?
- 6 A. It was about four in the afternoon until about
- 7 six.
- 8 Q. And who was there while you were there?
- 9 A. Oh, Willie Copeland and his wife and children,
- 10 I believe was about all that I remember seeing.
- 11 Q. Did anything unusual happen around his house
- 12 there while you were there that afternoon?
- 13 A. No sir.
- 14 Q. Did you see a Mr. Myers there?
- 15 A. I don't remember seeing Mr. Myers.
- 16 Q. You don't remember seeing Mr. Myers.
- 17 Q. Did Mr. Burrage leave his premises while you were
- 18 there?
- 19 A. No sir.
- 20 Q. I believe that's all.
- 21 BY MR. DOAR: CROSS EXAMINATION
- 22 Q. You've lived in Neshoba County for twenty years?
- 23 A. Well, I've been in Neshoba County longer than
- 24 that but I've been in Philadelphia about 20
- 25 years.

1861

1 Q Have you ever been a law enforcement officer  
2 in Neshoba County?

3 A Yes sir.

4 Q Have you ever been a Deputy Sheriff and keeper  
5 of the jail?

6 A Yes sir.

7 Q Do you know Sheriff Rainey?

8 A Yes sir.

9 Q Do you know him well?

10 A Yes sir.

11 Q Do you know Cecil Price?

12 A Yes sir.

13 Q Do you know him well?

14 A Yes sir.

15 Q Preacher Killen?

16 A Yes sir.

17 Q Do you know him well?

18 A I know him when I see him.

19 Q Billy Wayne Posey?

20 A Yes sir.

21 Q Do you know him well?

22 A Yes sir.

23 Q And Olen Burrage, of course you know him?

24 And do you visit back and forth in Olen Burrage's  
25 home?

- 1 A. Yes sir.
- 2 Q. About how many times a month?
- 3 A. Oh, we average four or five times a year.
- 4 Q. Would it be accurate to say you are a close
- 5 friend to all of these men?
- 6 A. Yes sir.
- 7 Q. Are you a member of any organizations with them?
- 8 A. No sir.
- 9 Q. None at all?
- 10 A. No sir.
- 11 Q. When were you first asked to recall what you did
- 12 on June the 21st, 1964?
- 13 A. When was I first asked?
- 14 Q. Yes sir, about what you did on that day?
- 15 A. Well, when he asked me here a while ago.
- 16 Q. And that was the first time you were asked?
- 17 A. Oh, I might have been asked something about it
- 18 once before, I don't remember now.
- 19 Q. Well, you must have talked to the attorney about
- 20 it Mr. Alford about it?
- 21 A. Well, he did say something about it, yes sir.
- 22 Q. I'm not trying to do anything other than just get
- 23 the facts from you. Do you remember when he
- 24 did say something about it. It is perfectly
- 25 proper for the lawyer to talk to his witnesses

before he comes on the stand.

A. Well something was mentioned about it yesterday.

Q. Was that the first day that he talked to you about it?

A. First that I remember.

Q. The first that you remember was yesterday.

A. Yes sir.

Q. Thank you.

(Whereupon witness excused)

LEON MYERS, called as a witness for and on behalf of defendants, was sworn and testified as follows:

BY MR. ALFORD:

If His Honor please, this witness is Mr. Leon Myers.

BY THE COURT:

Thank you, Mr. Alford, this is very helpful.

DIRECT EXAMINATION

Q. Mr. Myers, where do you live?

A. On Highway 15 South about 3 miles out of Philadelphia.

Q. Do you know, uh, how long have you been living in Neshoba County?

A. All of my life.

Q. How old are you?

1 A. Thirty eight.

2 Q. Do you know Mr. Olen Burrage?

3 A. Yes sir.

4 Q. Did you have an occasion to go to his place on  
5 the 21st day of June, 1964?

6 A. I did.

7 Q. Now what recalls to your memory the occasion of  
8 going there?

9 A. Well, it was father's day and we were out riding  
10 around and this boy of mine likes horses and we  
11 went there to look at a horse, and I let him  
12 ride.

13 Q. Was that at Mr. Burrage's home?

14 A. Yes sir.

15 Q. Was he there?

16 A. Yes sir.

17 Q. About what time of day was that?

18 A. Well it was on over in the evening, I imagine  
19 around four or something like that.

20 Q. And did anything unusual or out of the ordinary  
21 occur there that afternoon?

22 A. No sir.

23 Q. Did you see other people there?

24 A. Yeah he had company out at the house.

25 Q. That's all.

CROSS EXAMINATION

1  
2 BY MR. DOAR:

3 Q Now you just talked to Mr. Burrage a few minutes  
4 and your boy went out and rode the horse isn't  
5 that right?

6 A Well, Olen come out there where we were and we  
7 caught the horse and my boy got on the horse  
8 and rode around and me and Olen stood around  
9 there and talked a good bit.

10 Q Where was the horse.

11 A My boy was riding it around out there.

12 Q Was the horse out in the pasture?

13 A No, out there around the shop.

14 Q Over across the shop by, uh over at the shop  
15 on the other side of the road?

16 A Yes sir.

17 Q Was the horse at the shop just loose?

18 A No, the horse was at the back of the shop in  
19 the pasture.

20 Q Let me see if I have this right. Mr. Burrage's  
21 house is on the south side of the road, is that  
22 right?

23 A That's right.

24 Q And the shop is on the north side of the road?

25 A Yes sir, just across the road.

1 Q And the shop includes one big building, at  
2 least one big building, doesn't it?

3 A Yes sir.

4 Q And just tell us what else was over there in  
5 that area?

6 A Well it was just a bunch of trucks there, and  
7 in the back of the shop there is a barn and  
8 a pasture.

9 Q How far behind the shop is the barn?

10 A Well, its not but a little bit.

11 Q Well, about how far?

12 A Oh, about fifty yards or something like that.

13 Q Then behind the barn is a pasture. How far is  
14 the shop off the road?<sup>th</sup>

15 A Oh, its just right there off the highway.

16 Q Hundred feet?

17 A Something like that.

18 Q What's your best judgment?

19 A Oh, I'd say it was about 100 feet or something  
20 like that.

21 Q How far is the shop from the house?

22 A Oh, about 50 yards, something like that.

23 Q Fifty yards from the shop to the house across  
24 the road?

25 A Yes sir.

1 Q And did you go up to the house to see Mr.  
2 Burrage, or did you see him at the shop?

3 A I drove up there over there at the shop and  
4 went across there and he come on over there  
5 and we caught the horse.

6 Q Did you go to the door?

7 A No, he was out in the yard.

8 Q He was out in the yard. Was this the front  
9 yard or the back yard?

10 A It was kinda to the side of the house.

11 Q Was he sitting there, standing or visiting or  
12 what?

13 A He was sitting down, he had company, I don't  
14 know, I didn't go up that close, when I started  
15 up he started out there.

16 Q He knew you were coming about that horse?

17 A I had talked to him about the horse.

18 Q What kind of horse was it?

19 A A red saddle horse.

20 Q And your boy was with you?

21 A Yes sir and my two girls and my wife.

22 Q How old is your boy?

23 A He's thirteen now.

24 Q Were the Burrage boys there?

25 A I didn't see them.

1 Q And then Mr. Burrage got up and came on out  
2 to your car?

3 A He got up and came on out there and we walked  
4 out there and caught the horse.

5 Q Did he get in your car and drive across or  
6 walk across?

7 A No, my car was parked over there at the shop.  
8 Right there by the road.

9 Q I see, then you walked over?

10 A That's right.

11 Q And then you walked back across the road?

12 A That's right.

13 Q And then you went back to the barn?

14 A That's right.

15 Q And then you caught the horse?

16 A That's right.

17 Q How long were you over there?

18 A I don't know, an hour or something like that.

19 Q And you were behind the barn?

20 A Right there at the shop right beside the road.

21 Q What time was it?

22 A Well, it was somewhere around four when we got  
23 over there.

24 Q Then what did you do?

25 A Well, then after my boy got through riding

1 and all we got in the car and rode around some  
2 more, and then went home.

3 Q Are you related to Mr. Burrage?

4 A No sir.

5 Q Do you know him well?

6 A Yes sir.

7 Q Do you know Sheriff Rainey and Cecil Price?

8 A That's right.

9 Q Do you know them well?

10 A That's right.

11 Q Do you know the Preacher Killen?

12 A Yes sir.

13 Q Do you know him well?

14 A Yes sir.

15 Q Do you know Billy Wayne Posey?

16 A Yes sir.

17 Q Do you know him well?

18 A Yes sir.

19 Q Do you know the Sharpe young man?

20 A Yes sir.

21 Q And you know him well too?

22 A Yes sir.

23 Q Do you know Hop Barnette?

24 A Yes sir.

25 Q How long have you been knowing those people?

- 1 A I've been knowing them 'bout all my life.
- 2 Q Have you known Mr. Burrage practically all of
- 3 your life?
- 4 A Yes sir.
- 5 Q And when was the first time, strike that. How
- 6 did you happen to recall this occasion when your
- 7 son was riding the horse?
- 8 A Well that boy or mine has always been crazy about
- 9 horses and I owned one at one time, and the
- 10 boy asked me to get him back, so we went out
- 11 there and caught the horse and let him ride.
- 12 Q How did you happen to remember the date?
- 13 A Well it was father's day and we went out riding
- 14 around.
- 15 Q When were you first asked to recall the date?
- 16 A Well, I remember the date well because it was
- 17 father's day.
- 18 Q When were you first asked to recall it. Did
- 19 you go to Mr. Burrage and say, "sir, I remember
- 20 about that date?"
- 21 A No, I just remember the date.
- 22 Q Well who was the first one that asked you about
- 23 the date?
- 24 A Who first asked me?
- 25 A Yes.

1 A I knew the date.

2 Q I know, but who asked you about it?

3 A You did, and the lawyer.

4 Q Well, when did he first ask you about it?

5 A Just now.

6 Q And that's the very first time he's asked you.

7 Now I'm not trying to, uh, it is perfectly all  
8 right for Mr. Alford to talk to you before.

9 A He asked me if I was over at Olen Burrage and  
10 I told him I was, which I was.

11 Q What I want to know is when did he ask you that?

12 A Well, I don't remember exactly when it was.

13 Q Well was it today, yesterday?

14 A Yes, he asked me today.

15 Q Has he asked you before today?

16 A Yes he asked me if I was over there.

17 Q When was the first time that he asked you?

18 A I don't remember the first time he asked me.

19 Q Was it a few days ago?

20 A I don't remember.

21 Q I don't remember at all.

22 Q Do you remember when it was Mr. Olen Burrage  
23 was arrested?

24 A Nope.

25 Q You don't remember that?

1 A. Nope.

2 Q. Have you discussed this with anyone else?

3 A. No sir.

4 Q. Now---

5 BY THE COURT:

6 Do you know where this pond is located that it is  
7 said Mr. Burrage constructed in the summer of 1964?

8 BY THE WITNESS:

9 I've never been to the pond.

10 BY THE COURT:

11 Do you know where it is?

12 BY THE WITNESS:

13 I know where the place is.

14 BY THE COURT:

15 Do you know where the pond is?

16 BY THE WITNESS:

17 No sir, I've never been there before.

18 BY MR. DOAR:

19 Q. Do you remember what you did on Father's day  
20 of this year?

21 A. I went down to the fairgrounds.

22 Q. What date was it on?

23 A. I don't remember exactly what date it was on.

24 Q. Do you remember what you did last father's day?

25 A. Weah, we went to the fairgrounds and rode horses.

BY MR.

Q What day of the month was it?

A I don't remember.

Q Can you remember what you did father's day in 1965?

A I went to my brother in law.

Q What day of the month was that?

A I don't remember, but I remember what I done on father's day.

Q You have a clear memory of that?

A That's right.

Q Thank you.

(Whereupon witness excused)

WYLIE AKINS, called as a witness for and on behalf of defendants was sworn and testified as follows:

BY MR. ALFORD:

If the Court please this is Reverend Wylie Akins.

DIRECT EXAMINATION

Q Where do you live?

A Six miles west of Philadelphia.

Q How long have you lived in Neshoba County?

A Fifty one years.

Q How old are you?

A Seventy-four.

Q Do you know Olen Burrage?

A Yes sir.

1 Q Do you know his wife, Mrs. Burrage?

2 A Yes sir.

3 Q What church do you belong to?

4 A I belong to Fairview Baptist Church.

5 Q Is that also known as the Fellowship Baptist  
6 Church.

7 A Fellowship Baptist Church, and sometimes it is  
8 referred to as Fairview.

9 Q It used to be Fairview School didn't it?

10 A Yes sir.

11 Q And it is now a church?

12 A Yes sir.

13 Q I would like to ask you sir if you attended  
14 worship services at Fellowship Baptist Church  
15 on Sunday evening the 21st day of June, 1964?

16 A I did.

17 Q And did or not you see Olen Burrage and his  
18 wife at that evening worship service?

19 A I did.

20 Q And about what time did that worship service  
21 begin and close?

22 A I would say around 7 or 7:30 it began.

23 Q Yes sir, and what time did it close?

24 A I would say 8:30 or maybe 9:00 o'clock, some-  
25 where along about that time I would say.

BY MR.

1 Q Who preach there that Sunday night?

2 A Brpther Leon Duncan.

3 Q I believe that's all.

4 BY MR. WEIR:

5 Q Brother Aiken, do you know Reverend Edgar Ray  
6 Killen?

7 A Yes sir.

8 Q For how long have you been knowing him?

9 A I have known him twelve or fifteen years,  
10 something like that.

11 Q And is he a minister of the gospel?

12 A Yes sir.

13 Q Of what faith?

14 A Baptist.

15 Q How long have you known him to be a Minister?

16 A Well he was a Minister the first time I ever  
17 met him, twelve or fifteen years ago.

18 Q Doyou know whether or not he's active in preaching  
19 work, is he active at preaching?

20 A Yes.

21 Q Is he active in church work besides just standing  
22 behind the pulpit?

23 A Yes he has a radio program.

24 Q Well has he ever preached funerals?

25 A Yes.

1 Q Has he ever married people?

2 A Yes.

3 Q I believe that's all.

4 CROSS EXAMINATION

5 BY MR. DOAR:

6 Q How do you pronounce your last name?

7 A Aikens.

8 Q Mr. Aikens are you related to Olen Burrage?

9 A No sir.

10 Q Have you known him a long time?

11 A I've been knowing him for about 12 or 15 years.

12 Q Are you good friends?

13 A Yes.

14 Q You are in the same church?

15 A How do you happen to remember the church service  
16 on June the 21st?

17 A Well it was father's day and I went to another  
18 church that morning at 11:00 o'clock and preached  
19 at the other church myself, and then I came back  
20 home and went there that evening or night.

21 Q When was the first time that you were asked to  
22 recall what you did that evening?

23 A Well, I don't know, I couldn't say just when it  
24 was.

25 Q Who asked you?

1 A. Well, Reverend Léon Duncan was first to ask me  
2 I believe.

3 Q. When was that?

4 A. I couldn't say just when it was.

5 Q. Was it after Mr. Burrage was arrested or before  
6 he was arrested?

7 A. I just don't remember, but I think it was after  
8 he was arrested.

9 Q. A long time after he was arrested or a short  
10 time after he was arrested?

11 A. A short time.

12 Q. And you think the services were over between  
13 8:30 and 9:00 o'clock?

14 A. Yes, somewhere around there.

15 Q. How long do you think it took for the people  
16 to get out of the church and get away from  
17 there.

18 A. Well, it depends on how long they want to stand  
19 there and talk.

20 Q. Do you usually stand and talk a little while?

21 A. Yes.

22 Q. Do you remember seeing Mr. Burrage standing out-  
23 side talking there?

24 A. Did you visit with him yourself?

25 A. Yes sir, shook hands with him, and talked with him.

1 Q And you talked with Mr. Burrage after this serv

2 A Yes.

3 Q About how long did you stand out there and talk  
4 with him?

5 A Well, I couldn't say, I really just don't know  
6 definitely.

7 Q Was it five or ten minutes?

8 A No, it was 9:30 I remember when I got home that  
9 night.

10 Q How far do you live from the church?

11 A I live about a mile or a mile and a half from  
12 the church.

13 Q Let's see, who left the church yard first, you  
14 or Mr. Burrage?

15 A I don't remember.

16 Q What did you talk about out there in the church  
17 yard?

18 A Well nothing in particular, I just asked him how  
19 he was getting along, and we talked something  
20 about it being a pretty day or a pretty night  
21 you know, something about the weather.

22 Q Did you talk about Civil Rights Workers?

23 A No sir.

24 Q Had you ever heard about Civil Rights Workers  
25 working in that County before that night?

service  
alk  
ow  
hat  
m  
ou  
rch  
how  
g  
t  
s

- 1 A. Yes I had heard before that night that there  
2 were some working up there?  
3 Q. What had you heard?  
4 A. Well really I don't remember what all I did hear.  
5 I know I had just heard there was someone working  
6 up there and somebody told me there had been  
7 three civil rights workers arrested for speeding  
8 and they had come up there to investigate a  
9 church burning out there somewhere.  
10 Q. You were told that on Sunday afternoon, is that  
11 right? On that Sunday afternoon, you were told  
12 that the three Civil Rights Workers had been  
13 arrested?  
14 A. Yes sir.  
15 Q. And you were told that that afternoon, Sunday  
16 afternoon, June the 21st, 1964?  
17 A. As well as I remember, I don't remember for sure.  
18 Q. Who told you?  
19 A. I don't even remember that.  
20 Q. Mr. Burrage?  
21 A. No.  
22 Q. Are you sure?  
23 A. I don't remember for sure.  
24 Q. Where were you when you were told that?  
25 A. I declare I don't remember.

1880

1 Q Could it have been in the church?

2 A Well, it could have been.

3 Q Could there have been quite a bit of talk about  
4 the Civil Rights Workers arrested that afternoon

5 BY MR. WEIR:

6 We object to what could have been, Your Honor.

7 BY THE COURT:

8 Sustained.

9 BY MR. DOAR:

10 Q Do you remember anymore about that?

11 A No.

12 Q Think for a minute if you would and see if you  
13 can recall when and where, what was said, and  
14 who said it about those Civil Rights Workers  
15 being in jail that afternoon?

16 A I just don't remember.

17 Q But you are sure someone said something to you  
18 about it?

19 A Yes, someone said something another to me about  
20 it but I don't remember who it was nor even  
21 what it was all about, other than they just  
22 heard they were arrested.

23 Q Did you go into Philadelphia that day?

24 A No sir.

25 Q Now let me see. First you preached in the

1881

1 morning?

2 A. Yes sir.

3 Q. And then after that what did you do?

4 A. I came home, no I didn't. I went home with a  
5 friend down there at the church and had lunch  
6 and spent, uh, oh until three or four o'clock  
7 in the afternoon with them and then I came  
8 back home.

9 Q. Who was your friend?

10 A. Smith.

11 Q. What was his first name?

12 A. I declare, I have forgotten his name now. I  
13 sure have, I have forgotten his first name.

14 Q. And after you visited with your friend, Smith,  
15 you went home, and how long did you stay at  
16 home?

17 A. Well I suppose I was there something like a  
18 hour and a half, something like that.

19 Q. Then were did you go?

20 A. I went to church at Fairview.

21 Q. So after about three o'clock in the evening  
22 or afternoon, you spent sometime with your  
23 friend, Mr. Smith, and then you went home and  
24 then you went to church down by Mr. Burrage?

25 A. Yes sir.

1 BY MR. ALFORD:

2 Q Now with reference to this arrest of Civil  
3 Rights Workers, as a matter of fact, the first  
4 time you heard about it was when it come over  
5 the news about the 22nd or 23rd of June, wasn't  
6 it?

7 BY MR. HAUBERG:

8 Object, Your Honor, he's leading.

9 BY THE COURT:

10 Sustain the objection, you may rephrase your  
11 question.

12 BY MR. ALFORD:

13 Q Wasn't it sometimes after the 22nd or 23rd of  
14 June, 1964 when you first heard about the  
15 disappearance of-----

16 BY THE COURT:

17 I sustained the objection, Mr. Alford, the objection  
18 is that you are leading him? Don't lead him please  
19 sir?

20 BY MR. ALFORD:

21 Q Did you or not hear over the radio or T. V.  
22 about the disappearance of the Civil Rights  
23 Workers?

24 BY MR. HAUBERG:

25 Object, Your Honor.

1 BY THE COURT:

2 Sustain the objection. Let the witness testify  
3 Counsel.

4 BY MR. ALFORD:

5 Q Where did you hear about the disappearance of  
6 the Civil Rights Workers?

7 A I don't remember for sure just what I did hear.

8 Q Do you remember when you did hear it?

9 A I guess I heard it at my own home on the  
10 television.

11 Q Was that the first time you heard it?

12 A No, someone said something to me about it that  
13 night, but I don't remember who it was.

14 Q What night was that?

15 A It was the night, I declare it is hard to keep  
16 it in mind what night it was or who told me,  
17 I don't remember who said something to me about  
18 it, now where it was. I just don't remember.

19 Q You don't know who it was?

20 A No, I just don't remember.

21 Q Was it any of these defendants sitting around here  
22 that talked to you?

23 A No, I don't think so.

24 Q Are you positive of that?

25 A I think so.

1 Q It wasn't Mr. Burrage, was it?

2 A No.

3 BY MR. HAUBERG:

4 We object, he's leading again.

5 BY THE COURT:

6 Yes, sustain the objection.

7 BY MR. ALFORD:

8 Q Mr. Aiken, when you heard this was it when they  
9 were arrested or when they were missing?

10 A When they were missing.

11 Q When they were missing?

12 A Yes sir.

13 Q It wasn't when they were arrested?

14 BY MR. HAUBERG:

15 Object again Your Honor.

16 BY THE COURT:

17 Overruled, go along.

18 BY MR. ALFORD:

19 Q Now, you spell your name how, Mr. Aiken?

20 A A K I N S.

21 Q And you are not any kin to Mr. B. L. Aiken?

22 A Don't even know him.

23 BY THE COURT:

24 Members of the Jury, we are going to take a recess  
25 now until 9:00 o'clock next Monday morning. If

1 this trial was being conducted in a State Court you  
2 Jurors would be kept together in this interim because  
3 the State Judge doesn't have the power to let you dis-  
4 burse as I have the power to do in my sound discretion  
5 I like this practice a little bit better to put Jurors  
6 on their own honor, and I want to say this to you,  
7 that I think this Jury has lived up to all of the  
8 instructions have given you about this matter and  
9 I want to congratulate you about that, so we are  
10 taking out for two days here now, almost two days,  
11 and I want to caution you specifically to not let  
12 anybody talk to you or send you any kind of message  
13 directly or indirectly, and anybody that tires to  
14 talk to you, tell them that the Court said that  
15 would be a contempt of this Court and I don't care  
16 who they are I want you to bring their names back  
17 and give those names to the Marshal, and let that  
18 be the first thing that you do Monday morning, because  
19 that would be a contempt of this Court and I would  
20 just like to know of anybody who has the audacity  
21 to violate an instruction of this Court. I just  
22 want you to do exactly like you have done all this  
23 week and I will be entirely satisfied, and I hope  
24 each one of you have a real good week-end. We'll  
25 take a recess until 9:00 o'clock Monday morning.

(Whereupon the Court took a recess at 11:57 A. M.  
on 10-14-67 until 9:00 o'clock A. M. on 10-16-67)

OCTOBER 16, 1967:

BY MR. COVINGTON:

May it please the Court, this witness is W. G.  
Waggoner.

BY THE WITNESS:

W. E.

BY MR. COVINGTON:

Excuse me, Your Honor, it is W. E. Waggoner.

BY THE COURT:

Thank you sir.

DIRECT EXAMINATION

Q You are Mr. W. E. Waggoner?

A Yes sir.

Q Would you tell the Court and Jury where you  
reside, please?

A Plain Dealing, Louisiana.

Q Which parish is that?

A Bossier Parish.

Q Do you occupy a position in Bossier Parish?

A I am Sheriff of Bossier Parish.

Q How long have you been Sheriff?

A This is my fifth term, I have been with the  
Sheriff's office thirty-one years.

1 Q Do you know Horace Doyle Barnett?

2 A Yes sir.

3 Q Does he reside in Bossier Parish?

4 A Yes sir.

5 Q And how long have you known him?

6 A All his life.

7 Q Mr. Waggoner, tell the Court and Jury if you  
8 will, whether or not you know his general  
9 reputation in the community for which he resides  
10 for peace or violence?

11 A I do.

12 Q Is it good or bad?

13 A Good.

14 Q Thank you sir.

15 CROSS EXAMINATION

16 BY MR. HAUBERG:

17 Q Mr. Waggoner, during what period of time was it  
18 that Mr. Doyle Barnett was away from your area  
19 over there?

20 A Sir, I would think, I couldn't definitely say,  
21 but I think it was sometime in 1964.

22 Q About how long was he away from that area?

23 A I believe it was three or four months, definitely  
24 I couldn't say.

25 Q Well, would you say it was longer than three or

four months?

1 A. I wouldn't say exactly because I don't exactly  
2 know.

3 Q. Do you recall about what time he left your area?

4 A. I think it was along about the middle of the  
5 year, something like that.

6 Q. And when did he return according to your best  
7 recollection?

8 A. Sometime after this incident happened over here.

9 Q. Well, would you say it was in the Fall?

10 A. It was in the Fall, sir.

11 Q. And during that period of time did you know what  
12 he was doing?

13 A. No sir.

14 Q. What kind of work he was doing?

15 A. No sir.

16 Q. What kind of what was he going over in your area?

17 A. Well at one time when he was going to High School  
18 he worked at a Service Station, he was a Service  
19 Station Manager, he had a little parts depart-  
20 ment, a little automobile parts department, and  
21 did different kinds of work. He worked as a  
22 mechanic some.

23 y Q. He had different odd jobs in different types  
24 of businesses over the period of time?  
25

1 A. When he was going to High School. He didn't  
2 go to High School in Plain Dealing, this school  
3 he went to was seven or eight miles out, called  
4 Rocky Mound, and he worked in this service  
5 station on week ends.

6 Q. Well are you telling us he was going to high  
7 school when he left over there?

8 A. No, he had the parts department when he left  
9 from over there.

10 Q. Well now he had finished high school at that  
11 time?

12 A. Oh yes.

13 Q. And he was engaged in other types of businesses  
14 for how many years before he left from over  
15 there and came to Meridian.

16 A. Well, I couldn't answer that and answer it right.  
17 I don't know which job he had last and what year  
18 he worked as a mechanic for the Ford Dealer there.

19 Q. Are you and he real good friends?

20 A. Well, I've known him all his life, watch him  
21 grow up, I'm a friend of his family, and I have  
22 known this boy all his life. I try to be a friend  
23 to everybody.

24 Q. Yes sir, but over a period of time you have  
25 known him you do consider him as a friend?

1 A Yes sir.

2 Q Thank you.

3 (Whereupon witness excused)

4 PHILLIP KIRCUS, called as a witness for and on behalf  
5 of defendants, was sworn and testified as follows:

6 BY MR. COVINGTON:

7 May it please the Court, this witness is Phillip  
8 Kircus. K I R C U S.

9 DIRECT EXAMINATION

10 Q You are Mr. Phillip Kircus?

11 A Yes sir.

12 Q Where do you reside Mr. Kircus?

13 A Frierson, Louisiana.

14 Q All right sir. Are you a former resident of  
15 Bossier Parish?

16 A Yes, I was.

17 Q Do you know Horace Doyle Barnett?

18 A Yes, I do.

19 Q How long have you known him sir?

20 A Approximately ten years.

21 Q And what is your profession or occupation?

22 A I am a Minister.

23 Q Now, have you ever lived in the same community  
24 with Mr. Barnett?

25 A Yes, I have.

1 Q Would you tell the Court and Jury if you know  
2 his general reputation in the community for which  
3 he resides for peace or violence?

4 BY MR. HAUBERG:

5 We object to that.

6 BY THE COURT:

7 Yes, rephrase your question Counsel.

8 BY MR. COVINGTON:

9 Q Mr. Kircus, do you know Mr. Horace Doyle Barnett?  
10 general reputation in the community for which he  
11 lives for peace for the past ten years that  
12 you've known him?

13 BY MR. HAUBERG: We object to that.

14 BY THE COURT:

15 Overruled.

16 BY MR. COVINGTON:

17 Q You may answer.

18 A Yes, I do.

19 Q Is it good or is it bad?

20 A Its good.

21 Q Thank you.

22 BY MR. HAUBERG:

23 We don't care to ask him any questions.

24 BY THE COURT:

25 All right.

(Whereupon witness excused)

1 J. T. SNYDER, called as a witness for and on behalf  
2 of defendants, wassworn and testified as follows:

3 BY MR. COVINGTON:

4 May it please the Court, this witness is Mr. J. T.  
5 Snyder, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. COVINGTON:

8 Q Where do you live Mr. Snyder?

9 A Plain Dealing, Louisiana.

10 Q Is that in Bossier Parish?

11 A Yes sir.

12 Q All right, what occupation or profession are you in?

13 A Part owner in an automobile dealership.

14 Q In an automobile dealership?

15 A Yes sir.

16 Q Which automobile dealership?

17 A Ford.

18 Q All right sir, do you know Horace Doyle Barnett?

19 A I do.

20 Q Do you know that he has lived in Bossier Parish  
21 most of his life?

22 A Yes.

23 Q Allright sir, have you know him during this period  
24 of time that he has lived in that Parish over  
25 there?

1 A Yes sir.

2 Q All right sir, would you tell the Court and Jury  
3 his reputation, his general reputation for peace  
4 and violence in the community in which he has  
5 resided, do you know what it is?

6 A Yes.

7 Q Is it good or is it bad?

8 A Its good.

9 Q Thank you.

10 BY MR. HAUBERG:

11 We don't have any questions of this witness, Your  
12 Honor.

13 (Whereupon witness excused)

14 J. R. SHAVER, called as a witness for and on behalf  
15 of defendants, was sworn and testified as follows:

16 BY MR. COVINGTON:

17 May it please the Court, this is Mr. J. R. Shaver.

18 DIRECT EXAMINATION

19 Q You are Mr. J. R. Shaver, that is correct is it  
20 not?

21 A Yes sir.

22 Q Where do you live Mr. Shafer?

23 A Plain Dealing, Louisiana.

24 Q Is that in Bossier Parish?

25 A Yes sir.

Q. And how long have you lived in Bossier Parish?

A. All my life.

Q. Do you know Horace Doyle Barnett?

A. Yes sir.

Q. Do you know whether or not he has resided in that area for a number of years?

A. Yes sir.

Q. How long have you known him over there?

A. Well all my life, rather all his life.

Q. Can you tell the Court and Jury whether or not you know what his general reputation is for peace and violence in this community where he has resided?

A. Yes.

Q. And is it good or is it bad?

A. Its good.

Q. Thank you.

BY MR. HAUBERG:

CROSS EXAMINATION

Q. Mr. Shaver, what business are you employed in?

A. Well I have a washteria.

Q. You mean where you wash your clothes?

A. Yes sir.

Q. Did Doyle Barnett ever work there for you or with you?

- 1 A No sir.
- 2 Q Had you gotten any information about this incident
- 3 over here in Neshoba County?
- 4 A Yes sir.
- 5 Q Have you talked with Doyle Barnett about it?
- 6 A No sir, I don't believe I've talked to Doyle.
- 7 Q You did hear about it then?
- 8 A Yes sir.
- 9 Q And do you recall when it was that Doyle Barnett
- 10 left your area for a while?
- 11 A Well it was, I believe it was in 1964.
- 12 Q Yes sir, what time in 1964?
- 13 Q I won't be sure, I couldn't say.
- 14 Q Well would you say it was in January.
- 15 A I believe it was in July.
- 16 Q Say you think he left in July?
- 17 A I believe so.
- 18 Q And how long did he stay away?
- 19 A About three months, I believe.
- 20 Q Would you give us your best recollection when
- 21 he returned to your area?
- 22 A Well, I just don't know.
- 23 Q Well was it Christmas time, or what time of the
- 24 year was it?
- 25 A I believe it was around October or November.

1 Q. And you say he returned October or November?

2 A. Yes sir.

3 Q. That's all.

4 (Whereupon witness excused)

5 DORIS ESPEY, called as a witness for and on behalf  
6 of defendants, was sworn and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. WATKINS:

9 May it please the Court, this witness is Mrs. Doris  
10 Espey, E S PE Y.

11 Q. Is that correct please mam?

12 A. Yes sir.

13 Q. Where do you live please mam?

14 A. 2932 Short Blvd.

15 Q. Where do you work?

16 A. At Gibsons.

17 Q. How long have you been working at Gibson?

18 A. A year.

19 Q. To you know Jimmy Snowden?

20 A. Yes sir.

21 Q. How many years have you been knowing Jimmy  
22 Snowden here in Lauderdale County?

23 BY MR. HAUBERG:

24 If the Court please, we would like to inquire if  
25

Mrs. Espey has been in the courtroom any time during

1 the trial?

2 BY MR. WATKINS:

3 Q Have you been in the courtroom?

4 A No sir.

5 BY THE COURT:

6 All right.

7 BY RM. WATKINS:

8 Q How long have you known Jimmy Snowden in  
9 Lauderdale County?

10 A Since he was fourteen years old.  
11 Do

11 Q /You know approximately where he lives, or his  
12 exact address?

13 A Eight blocks east of me.

14 Q All right and where do you live?

15 A On State Blvd.

16 Q State Blvd here in this county?

17 A Yes sir.

18 Q Do you know the general reputation of Jimmy  
19 Snowden in Lauderdale County for peace or  
20 violence?

21 A Yes sir.

22 Q Is it good or bad?

23 A Good. Very good.

24 BY MR. HAUBERG:

25

CROSS EXAMINATION

1 Q Mrs. Espey, do you recall when this incident  
2 occurred up in Neshoba County?

3 A Yes sir.

4 Q Did you learn about it shortly after it happened?

5 A (No answer)

6 Q And when was it that you learned that Jimmy  
7 Snowden had been charged in connection with that?

8 A Through the papers, when the papers come out.

9 Q Would you give us your best recollection as to  
10 when that was?

11 A No sir, I don't remember exactly when it was.

12 BY THE COURT:

13 Lady, if you are not going to speak any longer than  
14 that lean over so that thing can help you talk,  
15 please mam.

16 BY MR. HAUBERG:

17 Q You say you don't recall when it was?

18 A No sir, not exactly.

19 Q What is your best recollection?

20 A Well, I suppose a few weeks after it happened  
21 when all of it came out in the papers.

22 Q Now, are you a good friend of Jimmy Snowden?

23 A Yes sir.

24 Q How long have you been good friends with him?

25 A Since he was fourteen years old.